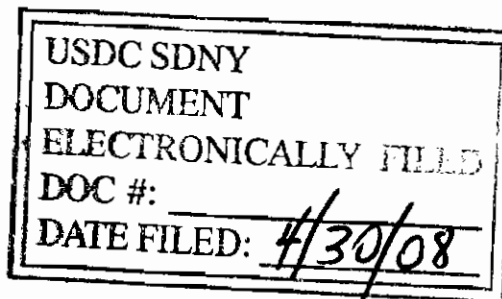


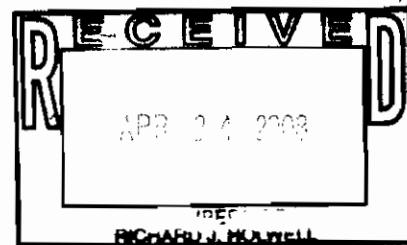
**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Writer's direct phone  
(212) 218-5570  
Writer's e-mail  
pwalker@seyfarth.com



620 Eighth Avenue  
New York, New York 10018-1405  
(212) 218-5500  
fax (212) 218-5526  
www.seyfarth.com

April 23, 2008



**VIA HAND DELIVERY**

The Honorable Richard J. Holwell  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Pena, et al. v. SP Payroll et al., Civil Action No. 07-CV-7013(RJH)

Dear Judge Holwell:

This firm is counsel to all of the defendants in the above-referenced action. On Friday, April 18, 2008, counsel for the plaintiffs, Michael A. Faillace, Esq., and I attended a conference before Your Honor to discuss a modified scheduling order for the further processing of this action. At the conclusion of the conference, Your Honor requested that I submit a letter to you, with a copy to Mr. Faillace, so that Your Honor could "so order" the following schedule for this case:

- All fact discovery will close on May 16, 2008. Neither party intends to retain an expert and thus there shall be no expert discovery.
- Any motion for summary judgment shall be served and filed no later than June 13, 2008.
- Answering papers to any motion for summary judgment shall be served and filed no later than July 11, 2008.
- Any reply papers to any motion for summary judgment shall be served and filed no later than July 18, 2008.
- The parties' pretrial order, pretrial memorandum of law and motions in limine shall be served and filed no later than October 3, 2008.
- The parties shall served each other and submit their exhibits in black binders to the Court no later than October 3, 2008.

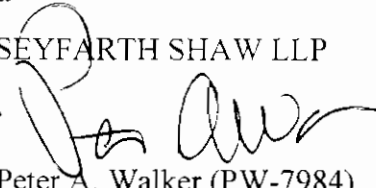
NY1 26511295 1

BRUSSELS  
WASHINGTON  
SAN FRANCISCO  
SACRAMENTO  
NEW YORK  
LOS ANGELES  
HOUSTON  
CHICAGO  
BOSTON  
ATLANTA



The Honorable Richard J. Holwell  
April 23, 2008  
Page 2

- Any response to a motion in limine shall be served and filed no later than October 10, 2008.
- Since the parties have agreed to a bench trial, proposed findings of fact and conclusions of law shall be served and filed no later than October 17, 2008.
- The trial of the action will commence on November 10, 2008.

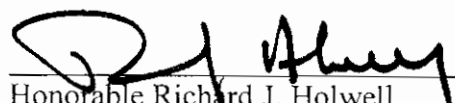
- a final pre trial conference shall be held on 10/31/08 at 2:30 respectfully submitted,  
SEYFARTH SHAW LLP  
  
Peter A. Walker (PW-7984)

PAW:lmd

cc: Michael A. Faillace, Esq. (MF-8436) (By Hand)



SO ORDERED:

  
Honorable Richard J. Holwell  
United States District Judge

Dated: 4/28/08